

Senate State & Local Government Committee Amendment

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 9 House Bill No. 33

by deleting subdivision (8) in subsection (c) of the amendatory language of SECTION 1 and by substituting instead the following:

(8)

(A) There is created a "DUI Work Release Certification Board" (hereinafter "board") to certify that work release programs operating under the provisions of this subsection comply with all requirements of such subsection and to provide additional protection to the public by ensuring that DUI offenders are not being permitted to participate in programs whereby they may create a risk of danger to the public.

(B) The board shall consist of:

(i) One (1) member of the District Attorneys General Conference to be appointed for a term of two (2) years;

(ii) One (1) member of the Tennessee Sheriffs Association to be appointed for a term of two (2) years;

(iii) One (1) member of the Public Defenders Conference to be appointed for a term of two (2) years;

(iv) One (1) member of the County Officials Association to be appointed for a term of four (4) years; and

(v) One (1) member of the Tennessee Mothers Against Drunk Driving Association to be appointed for a term of four (4) years.

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(C) The District Attorneys General Conference shall provide any required staff assistance to the board.

(D) Any vacancy on the board shall be filled by appointment for the unexpired term by the organization making the original appointment. Any member of the board may be reappointed by the appointing organization.

(E) Members of the board shall receive no compensation for their services by shall be reimbursed for travel expenses in accordance with state travel regulations promulgated by the department of finance and administration and approved by the attorney general and reporter.

(F) On an annual basis the board shall examine, monitor and evaluate each work release program operating under the authority of this subsection to ensure that all requirements of such subsection are being complied with and that such program is being operated in accordance with such subsection. As part of the evaluation process, the board shall conduct at least one (1) public meeting to discuss the program's effectiveness and compliance and hear the opinions of the public concerning such program. The board shall give notice of such public meeting in the jurisdiction in which it will be conducted at least thirty (30) days prior to such meeting. All other meetings of the board shall also be open to the public, including any meeting at which a decision to certify or deny certification to a particular work release program is considered or made.

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(i) If the Board finds that the work release program is being operated in compliance with this subsection, it shall so certify such program. Such certification shall be transmitted to all judges having jurisdiction over the offense of driving under the influence of an intoxicant in the jurisdiction served by the certified work release program. Certification by the board permits the work release program to continue operation for a period of one (1) year.

(ii) If the board finds that a work release program is not being operated in compliance with this subsection it shall deny certification to such program. Such denial of certification shall be transmitted to all judges having jurisdiction over the offense of driving under the influence of an intoxicant in the jurisdiction served by the noncertified work release program. A denial of certification by the board prohibits judges from sentencing any new DUI offenders to such work release program until it receives certification by the board. A work release program denied certification by the board may apply for recertification no sooner than ninety (90) days from the date certification was denied.

(G) The organizations appointing members to the board created by this subdivision shall do so by July 1, 1995. By July 1, 1996, all work release programs operating under the provisions of this subdivision shall have been

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evaluated and certified or denied certification in accordance with the provisions of
this subdivision.